

Item # _____

Prepared by: Gaye Davis/Lee Hinson

Approved by: _____

RESOLUTION APPROVING A LEASE AGREEMENT WITH KINDER MORGAN RIVER TERMINALS LLC, AS APPROVED BY THE BOARD OF COMMISSIONERS OF THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION ON SEPTEMBER 23, 2009. THIS RESOLUTION SPONSORED BY COMMISSIONER DEIDRE MALONE.

WHEREAS, Kinder Morgan River Terminals LLC has requested that the Memphis and Shelby County Port Commission enter into a Lease Agreement providing that Kinder Morgan River Terminals LLC lease certain real property in the Memphis and Shelby County Port Commission's Industrial Subdivision for three (3) years, January 1, 2010 to December 31, 2012, with an option to extend for one (1) five year renewal until October 31, 2017. A copy of the Lease Agreement is attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, the Memphis and Shelby County Port Commission approved this Lease Agreement at its regularly scheduled meeting on September 23, 2009 and recommends approval by the Shelby County Board of Commissioners, and

WHEREAS, said proposed Lease Agreement is in the best interests of the Memphis and Shelby County Port Commission and promotes the economic development of the Industrial Subdivision and the community.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, on recommendation of the Memphis and Shelby County Port Commission, that the proposed Lease Agreement with Kinder Morgan River Terminals LLC be and hereby is approved.

BE IT FURTHER RESOLVED, That the Mayor of Shelby County is hereby authorized to execute same.

BE IT FURTHER RESOLVED, That this action is subject to concurrence by City of Memphis.

Joyce Avery
Acting County Mayor

Date_____

Attest:

Clerk of County Commission

ADOPTED_____

SUMMARY SHEET

I. Description of Item:

Kinder Morgan River Terminals LLC will use this leased land for the storage of steel coils, steel wire rod and other products. Kinder Morgan River Terminals LLC, as Lessee, will pay \$40,874.88 in rental for this lease agreement. Payments of \$3,406.24 will be made in monthly installments. After the initial year period the annual rental for each renewal period will be adjusted annually using the Consumer Price Index.

II. Source and Amount of Funding

This is a lease agreement. The Lessee pays rental to the Port Commission as Lessor.

III. Contract Items

A. Type of Contract: Lease Agreement

B. Terms: The term of the proposed lease is for a period of 3 years, January 1, 2010 to December 31, 2012, with an option to extend until October 31, 2017.

IV. Additional Information Relevant to approval of this item